

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; RD., ON BEHALF OF :
HER MINOR CHILD, A.S.; on their own behalf and :
on behalf of all others similarly situated; :
UPPER MANHATTAN TOGETHER, INC.; and :
SOUTH BRONX CHURCHES SPONSORING :
COMMITTEE, INC., :
: Plaintiffs, :
: vs. : 13 Civ. 8916 (WHP)
: :
: NEW YORK CITY HOUSING AUTHORITY, :
: :
: Defendant. :
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DECLARATION OF VALERIE M. IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE STIPULATION AND ORDER

I, VALERIE M., declare under penalty of perjury that the following is true and correct:

1. I make this declaration in support of Plaintiffs' motion to enforce the stipulation and order this Court approved on April 17, 2014.
2. I live in New York City Housing Authority ("NYCHA") housing in Manhattan. I am a tenant at 505 East 120th Street, Apartment 14C, New York, New York 10035.
3. I received the keys to Apartment 14C on or around November 26, 2006, and I moved into the apartment on or around January 3, 2007. I live with my three sons, C.M., R.L., and C.H. who are twenty-one, seventeen, and seven years old, respectively.
4. C.H., my youngest son, was born in January 2008 and has lived in Apartment 14C since the time he was born. C.H. was diagnosed with asthma in April 2009. He is being treated

by Ms. Carmen Mercedes, a nurse practitioner who specializes in pediatrics at Metropolitan Hospital Center in East Harlem.

5. With Ms. Mercedes, I have developed an “asthma action plan” to help my son keep the symptoms of his asthma under control. This plan includes using a “peak flow meter” to take daily measurements of how well the air is moving out of his lungs, giving him medications such as Albuterol and Prednisone, and sometimes using a nebulizer. I also purchased an air purifier machine to try to improve the air quality in the apartment for the sake of my son’s asthma. Often times, C.H. starts coughing during the night.

6. Even though I carefully follow this asthma action plan, C.H. has still been hospitalized four times due to respiratory problems. The last time he was admitted to the hospital, he was diagnosed with pneumonia. I also frequently have to take C.H. to the emergency room for issues relating to his asthma. In 2014, for example, I took him to the emergency room about four times for asthma-related issues.

7. I am convinced that there was mold in the bathroom of my apartment from the day that I moved into it in January 2007, but I could not see it on the very first day because NYCHA had just painted the bathroom ceiling. After just a few showers, though, the mold started to appear on the ceiling. Eventually it spread to cover most of the ceiling and the area of the wall above the shower panel. The bathroom smells moldy. I think the mold problem is made worse by the fact that there is no window in my bathroom and the small vent is mostly clogged with dust and dirt. I try to clear the vent every week by rolling up a sheet of paper towel and poking it in and out of each square hole in the grate that covers the vent, in hopes that some of the dust and dirt will stick to the paper towel and come out of the vent. However, it is impossible

for me to get all the dust and dirt out of the vent this way. Photographs of the mold on my bathroom ceiling and my clogged vent are attached to this declaration as Exhibit 1.

8. There is also excessive moisture and water damage in my apartment. In or around August 2013, the hallway wall adjacent to the bathroom began bubbling and cracking, likely from a water leak inside the wall. I could hear water trickling inside the wall. In addition, on November 7, 2014, dirty sewage water started pouring through the ceiling into my bathroom, likely from the toilet pipes in the apartment above mine. It was disgusting. My oldest son videotaped the incident while I tried to mop up the liquid. I called NYCHA and said it was an emergency, but they did not come to my apartment to fix the situation. The only apartment that NYCHA visited to remedy this problem was the apartment above mine. Eventually, the sewage water leak stopped on its own, but the pipe still needs repairs. I keep sheets wrapped tightly around the pipe so that liquid does not leak out of it, and I have to change the sheets frequently.

9. I have contacted NYCHA many times about the mold and moisture problems, including most recently on January 7, 2015. During this January 7 call, I received three work order ticket numbers for repair appointments: ticket number 34741284 for the cracking and bubbling of the hallway wall; ticket number 34741476 for the mold on the bathroom ceiling; and ticket number 34741447 for plastering and painting. NYCHA informed me that someone would come to look at the problems within three days and then someone else would come back within another three days to make repairs.

10. Even though I obtained the work order numbers on January 7, 2015 and I was told that the repairs would be made within one week, the NYCHA maintenance staff did not come to make repairs until February 9, 2015. On that day, they claimed that they had come to fix the wall in my hallway that is adjacent to the bathroom. The NYCHA staff chiseled away the

bubbling portions until I could see rusty metal beams inside the wall. Then, the NYCHA staff smudged some plaster on the wall to seal it back up. However, they did not try to find or fix whatever water leak must have been causing the bubbling in the first place. The NYCHA staff also did not enclose the area while making these repairs. I knew that it would only be a matter of time before the wall started bubbling and cracking again, and as predicted, the bubbling and cracking came back approximately two weeks later.

11. In all the years that I have lived in this apartment, the only thing that NYCHA has ever done to try to repair the mold problem in my bathroom is to clean the ceiling by spreading “Bio Cleaner” on it with an abrasive scrubber and then painting over it. NYCHA employees have cleaned my bathroom ceiling with Bio Cleaner on at least four separate occasions, the most recent of which being February 9, 2015. They have never enclosed the bathroom when they perform these cleanings to prevent mold spores from spreading to other parts of the apartment. When they are finished, they tell me the mold is “gone,” but the mold always comes back within a few weeks. When it first returns, it looks red, and then later it turns brown and black.

12. On or around April 6, 2015, a notice was placed on my door informing me that an appointment had been scheduled for June 1, 2015 for someone to come to my apartment to perform plastering work. The work order ticket number for this appointment is 36589682.

13. Beyond the mold and moisture problems, I have also been dealing with cockroaches and faulty electrical wiring in my apartment. NYCHA also has not been cooperative or timely in making these repairs.

14. On several occasions, I have waited in my apartment all day for NYCHA to arrive for scheduled repair appointments, only to find a note from NYCHA on my door at the end of the day saying they had come but that I was not home. I do not have a doorbell, so I believe that

on these occasions, NYCHA left the note on the door without knocking or by knocking very lightly. This has been very frustrating for me since I have unnecessarily missed days of training for which I could have been paid.

15. I have been very concerned that the mold and moisture in my apartment are exacerbating C.H.'s asthma symptoms. Our living space is very cramped, as C.H. and I currently sleep together in one bedroom and my two other sons sleep together in the second bedroom. Priscilla Liriano, a licensed clinical social worker, informed me that because of C.H.'s asthma, he needs more air and space to breathe in his home. Therefore, I made a written request to NYCHA for transfer to another apartment to accommodate my son's disability. I noted in that request that my apartment has a mold problem. NYCHA approved my transfer request by a letter dated October 1, 2013, but then they put me on a waiting list. It is now April 2015 and I still have not been transferred to a new apartment.

04/20/2015

Date

Valerie M.
Valerie M.